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E-FILED - 10/4/07

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 (San Jose Division)
17

18 JEFFREY GIPPETTI, MANUAL
19 ALVARADO, THOMAS DAVID
BANBURY, THOMAS ROBERT
20 GAZAY,

21 Plaintiffs,

22 vs.

23 UNITED PARCEL SERVICE, INC., a
corporation, et al.,
24

25 Defendants.
26
27
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Case No. C-07-00812 RMW

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE CASE
MANAGEMENT CONFERENCE**

1 IT IS HEREBY STIPULATED by and between the parties hereto, though their respective
2 counsel, that:

3 1. On September 21, 2007, the Court issued an order continuing the Case
4 Management conference scheduled for September 21, 2007 to October 5, 2007 at 10:30 a.m.,
5 based upon the pending Motion for Severance of Actions, or in the Alternative, For Separate
6 Trials of Defendant United Parcel Service, Inc. scheduled to be heard on October 5, 2007, at 9:00
7 a.m. The Court ordered that if it did not rule on the Motion for Severance on October 5, 2007, the
8 Case Management Conference would be continued.

9 2. On October 3, 2007, pursuant to settlement agreements, the parties filed a
10 Stipulation Dismissing Plaintiffs Manual Alvarado's, Thomas David Banbury's, and Thomas
11 Robert Gazay's Entire Actions with Prejudice and [Proposed] Order Thereon, rendering UPS's
12 Motion for Severance moot.

13 3. On October 3, 2007, Defendant United Parcel Service, Inc. filed a Notice of
14 Taking Motion for Severance of Actions, or in the Alternative, For Separate Trials of Defendant
15 United Parcel Service, Inc. Off Calendar.

16 4. The parties continue to attempt to settle the claims of the only remaining Plaintiff,
17 Jeffrey Gippetti, and believe there is potential to settle his claims.

18 5. The parties have mutually agreed to continue the Case Management Conference to
19 January 4, 2008, and respectfully request that the Court order the continuance of the Case
20 Management Conference, currently set for October 5, 2007, to January 4, 2008 at 10:30 a.m.

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22
23 Dated: October 4, 2007

PAUL, HASTINGS, JANOFKY & WALKER LLP

24
25 By: 
26 LAURA B. SCHER

27 Attorneys For Defendant
UNITED PARCEL SERVICE, INC.

1 Dated: October 3, 2007

M. VAN SMITH

2
3 By:



M. VAN SMITH

4 Attorney For Plaintiffs
5 JEFFREY GIPPETTI, MANUAL ALVARADO,
6 THOMAS DAVID BANBURY and THOMAS
7 ROBERT GAZAY

8 **~~PROPOSED~~ ORDER**

9 The initial Case Management Conference, currently set for October 5, 2007, will be
10 continued to January 4, 2008 at 10:30 a.m.

11 DATED: 10/4, 2007

By:



12 THE HONORABLE RONALD M. WHYTE

13 LEGAL_US_W # 57214116.1